Demand for 69% reservation by Tamil Nadu Government

718. SHRI CHIMANBHAI MEHTA:
SHRI P. UPENDRA:

Will the Minister of WELFARE be pleased to state:

(a) whether it is a fact that 69% reservation in jobs and in education is being demanded by Government of Tamil Nadu;

(b) what are the adverse implications of such a demand; and

(c) whether this violates Mandal Commission and Supreme Court Judgement ?

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V. THANGKA BALU) : (a) Yes, Sir.

(b) No adverse implications have come to the notice of the Government so far.

(c) The Mandal Commission had in their report observed as follows :—

"The population of OBCs, both Hindu and non-Hindu is around 52% of the total population of India. Accordingly, 52% of all posts under the Central Government should be reserved for them. But this provision may go against the law laid down in a number of Supreme Court Judgements wherein it has been hold that the total quantum of reservation under Articles 15(4) and 16(4) of the Constitution should be below 50%. In view of this the proposed reservation for OBCs would have to be pegged at a figure which, when added to 22.5% for SCs and STs, remains below 50%. In view of this legal constraint, the Commission is obliged to recommend a reservation of 27% only, even though their population is ost twice thi s figure".

The Supreme Court, in the Mandal case Judgement has given the following ruling :—

"The reservations contemplated in Clause (4) of Article 16 should not exceed 50%. While 50% shall be the rule, it is necessary not to put out of consideration certain extraordinary situations inherent in the great diversity of this country and the people. It might happen that in far-flung and remote areas the population inhabiting these areas might, on account of their being out of the main-stream of national life and in view of the conditions peculiar to and characteristic of them need to be created in a different way, some relaxtaion in this strict rule may become imperative. In doing so, extreme caution is to be exercised and a special case made out".

It would thus be seen that the Supreme Court itself had visualised certain extraordinary situations where a special case can be made out for reservations in excess of 50%.

Vacant posts for SCs/STs in Central Government Departments

719. SHRI M. A. BABY:
SHRIMATI CHANDRAKALA PANDEY:

Will the Minister of WELFARE be pleased to state:

(a) the total number of posts in the different Central Government departments during the last three years, which were reserved for SC/ST under the provisions of the Constitution; and

(b) the number of vacant posts in these categories in the corresponding period of time ?

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (SHRI K. V. THANGKA BALU) : (a) and (b) The information is being collected and will be laid on the Table of the House.